

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ZURICH AMERICAN INSURANCE CO.,

Plaintiff,

v.

FTS USA, LLC,

Defendant.

CIVIL ACTION
NO. 17-1156

ORDER

AND NOW, this 17th day of July 2018, upon consideration of the Motion for Judgment on the Pleadings by Plaintiff Zurich American Insurance Company (“Zurich”) and Third-Party Defendant American Zurich Insurance Company (AZIC) (Doc. No. 19), FTS USA LLC’s (“FTS”) Motion for Partial Judgment on the Pleadings (Doc. No. 20), FTS’s Response to Zurich and AZIC’s Motion (Doc. No. 21), their Response to FTS’s Motion (Doc. No. 22), the arguments made by counsel for the parties during the hearing on the Motions (Doc. No. 24) and in accordance with the Opinion issued this day, it is **ORDERED** as follows:

- 1) Zurich and AZIC’s Motion for Judgment on the Pleadings (Doc. No. 19) is **GRANTED**.
- 2) FTS’s Partial Motion for Judgment on the Pleadings (Doc. No. 20) is **DENIED**.
- 3) Zurich American Insurance Company has no duty to defend or indemnify FTS for the Third-Party Complaint brought by Comcast Corporation in the litigation styled as Jeremy Hays v. CVRS Telecomms., Inc. et al., No. CH-13-1036-2 (Ch. Ct., Shelby Cty. July 12, 2013).

- 4) American Zurich Insurance Company has no duty to defend or indemnify FTS for the Third-Party Complaint brought by Comcast Corporation in the litigation styled as Jeremy Hays v. CVRS Telecomms., Inc. et al., No. CH-13-1036-2 (Ch. Ct., Shelby Cty. July 12, 2013).
- 5) The Clerk of Court shall close this case for statistical purposes.

BY THE COURT:

/s/ Joel H. Slomsky, J.
JOEL H. SLOMSKY, J.